

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 14364US20

In the Application of: )  
Joseph J. Kubler et al. )  
Serial No. 10/783,375 ) CERTIFICATE OF ELECTRONIC FILING  
Filed: February 20, 2004 ) I hereby certify that this correspondence is  
For: HIERARCHICAL DATA ) being sent via electronic filing to the United  
COLLECTION NETWORK ) States Patent and Trademark Office on this  
SUPPORTING PACKETIZED VOICE ) date:  
COMMUNICATIONS AMONG ) October 20, 2008  
WIRELESS TERMINALS AND )  
TELEPHONES ) /Philip Henry Sheridan/  
Examiner: JONES, PRENELL P ) Philip Henry Sheridan  
Group Art Unit: 2619 ) Reg. No. 59,918  
Confirmation No.: 2406 )

**LITIGATION STATEMENT PURSUANT TO MPEP § 2001.06(C) and SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with MPEP § 2001.06(c), the Applicants would like to bring to the attention of the U.S. Patent and Trademark Office that the subject matter currently being claimed in the present application may be related to at least one of the patents currently asserted by owner of record of the present application, Broadcom Corporation, in a patent infringement action between Broadcom and Qualcomm, Inc., in the Central District of California, Southern Division, Case No. SACV-05-467-JVS. A jury found U.S. Patent No. 6,389,010 ("the '010 patent") valid and infringed by Qualcomm on May 29, 2007. The court entered an order permanently enjoining Qualcomm from infringing the '010 patent on December 31, 2007. The court entered an amended and restated permanent injunction order on February 5, 2008. The court entered a second amended and restated permanent injunction order on March 13, 2008. On March 24, 2008, the court entered judgment pursuant to Federal Rule of Civil Procedure 54(b). The above-mentioned amended and restated permanent injunction order, second amended and restated permanent injunction order and Rule 54(b) judgment were appealed to the U.S. Court of Appeals for the Federal Circuit in appeal numbers 2008-1199, 2008-1271 and 2008-1272. On

September 24, 2008, the U.S. Court of Appeals for the Federal Circuit affirmed the judgment of infringement and validity of the '010 patent and the issuing of the permanent injunction. Specifically, the Court of Appeals for the Federal Circuit stated that "substantial evidence supports the jury's determinations of infringement and validity of the [ ] '010 patent[ ]." In fact, Qualcomm did not even appeal the District Court's finding that the claims of the '010 patent are valid.

Further, the Applicants submit herewith a Supplemental Information Disclosure Statement, including form PTO/SB/08 and a copy of the Court of Appeals for the Federal Circuit's decision to be placed in the file. One (1) reference is attached in one electronic submission for the Supplemental Information Disclosure Statement.

This submission is in no way intended as an admission that the submitted reference constitutes prior art under any subsection of 35 U.S.C. §102 or §103. Applicant expressly retains the right to argue that the cited reference is not indeed prior art or to take any actions necessary to remove the cited reference from the available prior art.

The Commissioner is hereby authorized to charge any fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

Respectfully submitted,

Date: October 20, 2008

/Philip Henry Sheridan/  
Philip Henry Sheridan  
Reg. No. 59,918

McAndrews, Held & Malloy, Ltd.  
500 West Madison Street, 34<sup>th</sup> Floor  
Chicago, Illinois 60661  
(T) 312 775 8000  
(F) 312 775 8100